

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS,	)	
PLAINTIFF	)	
	)	
v.	)	C.A. No. 04-30126-MAP
	)	
CARDIAC SCIENCE, INC.,	)	
ET AL.,	)	
DEFENDANTS	)	

ORDER REGARDING DEFENDANT'S  
MOTION TO STRIKE  
PLAINTIFF'S MOTION FOR SANCTIONS  
(Dkt. No. 200)

August 30, 2006

PONSOR, D.J.

Defendant Cardiac Science, Inc. ("Cardiac Science") has filed a motion to strike Plaintiff Donald C. Hutchins' most recent motion for sanctions (Dkt. No. 191). The motion to strike is hereby DENIED.

In support of his motion for sanctions, Plaintiff claims that counsel for Cardiac Science portrayed Cardiac Science as the rightful licensee of Plaintiff's intellectual properties when Cardiac Science had, in fact, sold the rights to these properties to another entity. Cardiac Science takes the position that the court should not consider the substance of this allegation due to Plaintiff's failure to abide by a December 29, 2005 order, enjoining Plaintiff from filing further motions against Cardiac Science without obtaining permission from the court.

Putting aside the question of whether a motion for sanctions against Cardiac Science's counsel falls within the ambit of the December 29, 2005 order, it is clear that had Plaintiff asked for permission to file his motion for sanctions it would have been granted. Therefore, in the interest of judicial economy, the court orders Cardiac Science to offer a substantive response to Plaintiff's motion by September 14, 2006.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
U. S. District Judge